

**NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND  
NATURAL RESOURCES**

**DIVISION OF ENVIRONMENTAL HEALTH**

**SHELLFISH SANITATION AND RECREATIONAL  
WATER QUALITY SECTION**

**15A NCAC 18A .3400**

**COASTAL RECREATIONAL WATERS MONITORING,  
EVALUATION, AND NOTIFICATION**

**SECTION .3400 - COASTAL RECREATIONAL WATERS MONITORING, EVALUATION, AND NOTIFICATION**

**15A NCAC 18A .3401 DEFINITIONS**

The following definitions shall apply throughout Section 18A .3400 of this Subchapter:

- (1) "Enterococcus" means a gram positive coccoid-shaped bacteria that is found in the intestinal tracts of warm-blooded animals that include *Enterococcus faecalis*, *Enterococcus faecium*, *Enterococcus avium*, and *Enterococcus gallinarium*.
- (2) "Geometric mean" means the mean of "n" positive numbers obtained by taking the "n"<sup>th</sup> root of the product of the numbers with at least five samples collected within a 30 day period.
- (3) "Point source discharge" means the discharge of liquids through a pipe, drain, ditch or other conveyance into a swimming area.
- (4) "Primary contact" means an activity in water in which a person's head is partially or completely submerged.
- (5) "Storm water discharge" means any natural or manmade conveyance of rainwater or the resultant runoff into recreational waters.
- (6) "Swimming advisory" means a notification to the public that recommends no primary contact with the water in a specific area for public health reasons but does not close a swimming area to the public. A swimming advisory shall include a sign posted at the site of the advisory and a press release to notify the public of the risks of swimming in the area.
- (7) "Swimming alert" means a notification to the public by media contact including a press release to warn the public of risks of swimming in an area that exceeds bacteriological swimming area levels.
- (8) "Swimming area" means a coastal recreation area that is used for primary contact located within waters classified by the Division of Water Quality as SA, SB, or SC.
- (9) "Swimming season" means from April 1 through October 31 of each year.
- (10) "Tier I swimming area" means a swimming area used daily during the swimming season, including any public access swimming area and any other swimming area where people use the water for primary contact, including all oceanfront beaches.
- (11) "Tier II swimming area" means a swimming area used an average of three days a week during the swimming season.
- (12) "Tier III swimming area" means a swimming area used an average of four days a month during the swimming season.
- (13) "Winter season" means from November 1 through March 31 of each year.

*History Note: Authority G.S. 130A-233.1;  
Eff. February 1, 2004.*

**15A NCAC 18A .3402 BACTERIOLOGICAL LIMITS FOR SWIMMING AREAS**

- (a) The enterococcus level in a Tier I swimming area shall not exceed either:
  - (1) A geometric mean of 35 enterococci per 100 milliliter of water, that includes a minimum of at least five samples collected within 30 days; or
  - (2) A single sample of 104 enterococci per 100 milliliter of water.
- (b) The enterococcus level in a Tier II swimming area shall not exceed a single sample of 276 enterococci per 100 milliliter of water.
- (c) The enterococcus level in a Tier III swimming area shall not exceed two consecutive samples of 500 enterococci per 100 milliliter of water.

*History Note: Authority G.S. 130A-233.1;  
Eff. February 1, 2004*

**15A NCAC 18A .3403 PUBLIC NOTICE OF INCREASED HEALTH RISKS IN SWIMMING AREAS**

(a) Tier I Swimming areas:

- (1) A swimming advisory shall be issued by the Division when samples of water from a swimming area exceeds a geometric mean of 35 enterococci per 100 milliliter during the swimming season.
- (2) A swimming alert shall be issued by the Division when a single sample of water from a swimming area exceeds 104 enterococci per 100 milliliter and does not exceed 500 enterococci per 100 milliliter during the swimming season.
- (3) A swimming advisory shall be issued by the Division when a sample of water from a swimming area exceeds a single sample of 500 enterococci per 100 milliliter during the swimming season.
- (4) A swimming advisory shall be issued by the Division when at least two of three concurrent water samples collected at a swimming area exceeds 104 enterococci per 100 milliliter during the swimming season.

(b) Tier II swimming areas:

- (1) A swimming alert shall be issued by the Division when a single sample of water from a swimming area exceeds 276 enterococci per 100 milliliter and does not exceed 500 enterococci per 100 milliliter during the swimming season.
- (2) A swimming advisory shall be issued by the Division when a single sample of water from a swimming area exceeds 500 enterococci per 100 milliliter during the swimming season.

(c) A Tier III swimming area with a water sample result of 500 enterococci per 100 milliliter or higher on the first sample shall be resampled the following day. If the laboratory results of the second sample exceed 500 enterococci per 100 milliliter a swimming advisory shall be issued by the Division.

(d) Signs posted pursuant to this Section shall be placed or erected in open view where the public may see the sign(s) prior to entering the water.

(e) Signs shall convey the following:

ATTENTION: SWIMMING IN THIS AREA IS NOT RECOMMENDED. BACTERIA TESTING INDICATES LEVELS OF CONTAMINATION THAT MAY BE HAZARDOUS TO YOUR HEALTH. THIS ADVISORY AFFECTS WATERS WITHIN 200' OF THIS SIGN. OFFICE OF THE STATE HEALTH DIRECTOR.

*History Note: Authority G.S. 130A-233.1;*  
Eff. February 1, 2004.

**15A NCAC 18A .3404 SWIMMING ADVISORIES FOR POINT SOURCE DISCHARGES INTO SWIMMING AREAS**

(a) A wastewater treatment plant that discharges into swimming waters shall be posted by the Division with at least one sign until the discharge is removed. The sign(s) for a wastewater treatment plant discharge shall convey the following:

ATTENTION: THESE WATERS MAY BE CONTAMINATED BY HUMAN OR ANIMAL WASTE. SWIMMING IS NOT ADVISED IN THESE WATERS BECAUSE OF THE INCREASED RISK OF ILLNESS. OFFICE OF THE STATE HEALTH DIRECTOR.

(b) A swimming advisory shall be issued by the Division and at least two signs shall be posted at a storm drain or storm water discharge that is actively discharging into a swimming area. Signs shall be placed to advise the public as they enter the area impacted by the drain. The signs for a storm drain or storm water discharge shall convey the following:

SWIMMING IS NOT RECOMMENDED BETWEEN SIGNS. WATERS MAY BE CONTAMINATED BY DISCHARGE FROM PIPE. OFFICE OF THE STATE HEALTH DIRECTOR.

(c) A swimming advisory shall be issued by the Division and at least two signs shall be posted at a storm drain where flood waters are being pumped into a swimming area. The signs shall remain posted for at least 24 hours after the pumping of flood waters has ceased. The signs shall convey the following:

SWIMMING IS NOT RECOMMENDED BETWEEN SIGNS. WATERS MAY BE CONTAMINATED BY DISCHARGE FROM PIPE. OFFICE OF THE STATE HEALTH DIRECTOR.

(d) A swimming advisory shall be issued by the Division and at least two signs shall be posted at an area receiving dredge material on a swimming beach when the dredge material is being pumped from an area closed to shellfish harvesting. The signs shall convey the following:

SWIMMING IS NOT RECOMMENDED BETWEEN SIGNS. WATERS MAY BE  
CONTAMINATED BY DISCHARGE FROM PIPE. OFFICE OF THE STATE HEALTH  
DIRECTOR.

*History Note:* Authority G.S. 130A-233.1;  
Eff. January 1, 2004.

**15A NCAC 18A .3405 RESCINDING A SWIMMING ADVISORY OR SWIMMING ALERT**

(a) A Tier I swimming area advisory shall be rescinded when two consecutive weekly water samples and the geometric mean meet the bacteriological limits in Rule 18A .3402(a) of this Section. A swimming alert shall be rescinded within 24 hours of compliance with Rule 18A .3402(a)(2) of this Section.

(b) A Tier II or Tier III swimming area advisory or alert shall be rescinded after water samples meet the bacteriological standard in Rule 18A .3402(b) or (c) of this Section.

(c) A swimming advisory resulting from a point source discharge or the discharge of dredge material shall be rescinded 24 hours after the discharge has ceased.

(d) When a swimming advisory or alert has been rescinded, the Division shall issue a press release to announce the lifting of the advisory or the alert and the sign(s) shall be removed immediately by the Division.

*History Note:* Authority G.S. 130A-233.1;  
Eff. January 1, 2004.

**15A NCAC 18A .3406 DESTRUCTION OF SIGNS**

A person shall not mutilate, deface, pull down, destroy, hide, or steal any sign posted pursuant to this Section.

*History Note:* Authority G.S. 130A-233.1;  
Eff. January 1, 2004.

**15A NCAC 18A .3407 APPLICABILITY OF RULES**

The rules of this Section shall apply to all marine recreational waters in coastal North Carolina.

*History Note:* Authority G.S. 130A-233.1;  
Eff. January 1, 2004.